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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,380	09/29/2000	Peter Weber	5053-28301	1411

7590 06/27/2006  
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EXAMINER

BLECK, CAROLYN M

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/675,380	WEBER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Carolyn M. Bleck	3626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 68,69,71-77,79-96,98-104 and 106-119 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 68, 69, 71-77, 79-96, 98-104, and 106-119 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Notice to Applicant***

1. This communication is in response to the amendment filed on 13 April 2006. Claims 68, 69, 71-77, 79-96, 98-104, and 106-119 are pending. Claims 68, 71-77, 79-91, 95, 98-104, and 106-118 have been amended. Claims 70, 78, 97, and 105 have been cancelled.

### ***Claim Rejections - 35 USC § 112***

2. The rejections of claims 68, 69, 71-77, 79-96, 98-104, and 106-119 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, are hereby withdrawn due to the amendment filed on 13 April 2006.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 68, 69, 71-77, 79-96, 98-104, and 106-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeBlanc et al. (6,694,506) in view of Copeland et al. (5,946,694), for substantially the same reasons given in the previous Office Action, and further in view of Pree (Wolfgang Pree, Meta Patterns – A means for capturing the

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essentials of reusable object-oriented design, Proceedings, ECOOP'94, 1994 - info.uni-karlsruhe.de, accessed from google scholar, <http://www.info.uni-karlsruhe.de/lehre/2004SS/swk/Papiere/ECOOP1994-Pree-Metapatterns.pdf>). Further reasons appear below.

(A) Claim 68 has been amended to recite "overriding at least one of the hook methods of the reinsurance business process framework to access at least one stage in an execution of one of the reinsurance business processes and to identify a support process to be executed."

LeBlanc discloses a subclass can override some or all of its inherited functions or may modify some or all of its inherited functions by defining a new function with the same form (col. 4 lines 44-47). LeBlanc discloses that frameworks contain predefined classes which can be used as base classes and a developer may accept and incorporate some of the objects into these base classes or he may modify or override objects or combinations of objects in these base classes to extend the framework and create customized solutions in particular areas of expertise (col. 4 line 64 to col. 5 line 5). Leblanc and Copeland do not expressly disclose the concept of overriding a hook method in a framework to access at least one stage in an execution of one of the reinsurance business processes and to identify a support process to be executed.

Pree discloses a framework using hook methods which represent the meta patterns required to design frameworks consisting of single classes or groups of classes together with their interactions (page 4, section 4.1). Pree discloses subclass B1

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overriding hook methods M2(), wherein subclasses modify method implementations or add new methods (reads on “to access at least one stage in an execution of one of the reinsurance business processes and to identify a support process to be executed”) (page 5 par. 2-3). A subclass that modifies method implementations or adds new methods must identify the method that is used and accesses a method that is used by the framework.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include the features of Pree within the method taught collectively by Leblanc and Copeland with the motivation of providing a flexible framework that requires minimal adaptation effort (Pree; page 6 par. 7).

The remaining features, including the newly amended features, were addressed in the previous Office Action on pages 3-5, and therefore those features are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(B) Claim 69 is rejected for the same reasons given in the previous Office Action (pages 5-6).

(C) As per claim 71, Pree discloses overriding the at least one hook method comprises replacing the hook method with one or more new methods (page 4 section 4.1, page 5 par. 2-3).

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(D) As per claims 72-77, LeBlanc discloses using hooks and Pree discloses overriding hook methods as discussed in claim 68. Copeland discloses that objects that perform system-related functions necessary for every method request, wherein the system-related activities include things like performing security checks, locking records, etc. that need to be performed before the business object performs its method (col. 7 lines 28-49). It is respectfully submitted that while LeBlanc, Copeland, and Pree do not disclose overriding every hook method as recited in claims 72-77, Copeland does disclose that they can be used before an object performs its method and Pree discloses that hook methods can be overridden. Further, the Examiner respectfully submits that it is well known in the art that a hook method can be used at any location in a routine or program and that they can be overridden. The motivation being for the purpose of debugging or enhancing functionality.

In addition, the Examiner notes claim 72 recites the at least one hook method comprising a method... and claims 73-77 recite at least one hook method that is overridden comprises a method to be executed.... The Examiner respectfully submits that the differences between the prior art and the methods recited in claims 72-77 are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited in claims 72-77. The methods of claims 72-77 would be performed the same regardless of whether the method is a specific type of hook method. Further, the hook methods of claims 72-77 are never actually executed and thus, it does not appear that the steps recited in claims 72-77 would ever be performed differently based on what method was used. Thus, this descriptive material will not distinguish

the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). For further guidance, note MPEP § 2106, common situations involving nonfunctional descriptive material are: “a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.” Here, the process steps are performed the same regardless of which method is chosen because the method is never actually executed and is only overridden. Thus, the step is simply overriding a piece of code (i.e., a method) or data and the content of that particular method is considered descriptive material. This descriptive material fails to distinguish the claimed invention from the prior art.

(E) As per claims 79-91, LeBlanc discloses that JAVA includes a wealth of frameworks intended to greatly enhance application software development on the internet (col. 6 lines 12-29). Further, LeBlanc discloses that JAVA beans are the object unit and are the tool which provide application developers with the framework for reusable, embeddable modular software components (col. 6 lines 30-43). Copeland discloses that objects that perform system-related functions necessary for every method request, wherein the system-related activities include things like performing security checks (claim 86), locking records, etc. that need to be performed before the business object performs its method (col. 7 lines 28-49). The Examiner respectfully submits that the processes and frameworks recited in claims 79-91 are well known in the art of object-

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oriented programming as disclosed by LeBlanc and Copeland. The motivation being to provide application developers with the framework for reusable, embeddable modular software components (col. 6 lines 30-43).

In addition, the Examiner notes these claims recite that the reinsurance framework support processes to be executed comprise..., the support processes to be executed comprise..., and the reinsurance framework to be executed comprises....

The Examiner respectfully submits that the differences between the prior art and the method recited in claims 79-91 are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited in claims 79-91. The method of claims 79-91 would be performed the same regardless of whether the method had a specific type of framework support process, support process, or reinsurance framework. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994). For further guidance, note MPEP § 2106, common situations involving nonfunctional descriptive material are: "a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention." It is noted that these support processes appear to be a piece of computer code. The support processes are never actually executed. Thus, the method in claims 79-91 is performed the same regardless of which support process is available, and thus the



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different types of support processes do not patentably distinguish the claimed invention from the prior art.

(F) Claims 92-94 are rejected for the same reasons given in the previous Office Action (page 8).

(G) Claims 95, 98-104, and 106-118 reflect the same changes as those made to claims 68, 71-77, and 79-91, and are therefore rejected for the same reasons as those given above for those claim, and incorporated herein.

(H) Claims 96 and 119 have not been amended, and are rejected for the same reasons given in the previous Office Action (page 9).

### ***Response to Arguments***

5. Applicant's arguments filed 13 April 2006 have been fully considered but they are not persuasive. Applicant's arguments are addressed below.

(A) In response, all of the limitations which Applicant disputes as missing in the applied references, including the features newly added in the 13 April 2006 amendment, have been fully addressed by the Examiner as either being fully disclosed or obvious in view of the collective teachings of LeBlanc, Copeland, and/or Pree, based on the logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention,

as detailed in the remarks and explanations given in the preceding sections of the present Office Action and in the prior Office Action, and incorporated herein.

It is noted that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, it is respectfully submitted that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied prior art teaches an article on essential framework design patterns (Pree).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carolyn Bleck whose telephone number is (571) 272-6767. The Examiner can normally be reached on Monday-Thursday, 8:00am – 5:30pm, and from 8:30am – 5:00pm on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached at (571) 272-6776.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(571) 273-8300	[Official communications]
(571) 273-8300	[After Final communications labeled "Box AF"]
(571) 273-6767	[Informal/ Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand-delivered responses should be brought to the Knox Building, Alexandria, VA.

CB

CB

June 21, 2006

  
JOSEPH THOMAS  
SUPERVISORY PATENT EXAMINER